

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAYSISUYAPA VASQUEZ	:	CIVIL ACTION
	:	
v.	:	
	:	
JANET NAPOLITANO, ET AL.	:	NO. 10-4238

**ORDER**

**AND NOW**, this 7th day of October, 2010, upon consideration of Plaintiff's "Complaint W/ Motion for Stay of Removal" (Docket No. 1), the Government's Motion to Transfer and Dismiss (Docket No. 8), and Plaintiff's response thereto, and after hearing argument from the parties on both September 8, 2010 and October 1, 2010, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. The Government's Motion to Transfer and Dismiss is **GRANTED IN PART** and **DENIED IN PART**. The Motion is granted insofar as it seeks dismissal, but denied insofar as it seeks transfer of Plaintiff's Motion for Stay of Removal to the United States Court of Appeals for the Third Circuit.
2. Plaintiff's Motion for Stay of Removal is **DISMISSED** for lack of subject matter jurisdiction.
3. The remainder of Plaintiff's Complaint is **DISMISSED** for failure to state a claim upon which relief may be granted.
4. The Clerk of Court is directed to **CLOSE** this case statistically.

BY THE COURT:

/s/ John R. Padova, J.

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John R. Padova, J.